



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Christopher M. Woodfin, Esq.  
Woodfin Law Offices, PLLC  
157 Nina Lane  
Williamsburg, VA 20463

**JUN - 6 2017**

RE: MUR 7143

Dear Mr. Woodfin:

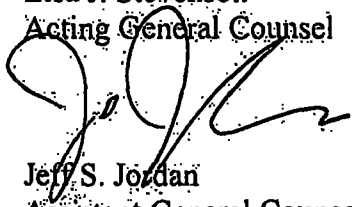
On October 4, 2016, the Federal Election Commission ("Commission") notified your clients, Thomas Garrett, and Tom Garrett for Congress and you, in your official capacity as treasurer, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. On May 22, 2017, based upon the information contained in the complaint, and information provided by you, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on May 22, 2017.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). A copy of the Factual and Legal Analysis is enclosed for your information.

If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Thomas Garrett  
Tom Garrett for Congress  
and Christopher Woodfin, as treasurer <sup>1</sup>

MUR 7143

**I. INTRODUCTION**

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by Thomas Garrett, and Tom Garrett for Congress and Christopher Woodfin, in his official capacity as treasurer, (the "Committee"). It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complaint alleges that Garrett for Virginia Senate, Garrett's state senate committee, paid for the Committee's initial website costs using "soft money," not subject to the source restrictions and limitations of the Act. Compl. at 1, 2. The Complaint also claims that the Committee did not disclose this transaction on its FEC reports. *Id.* at 1. The Response admits that the state committee paid the initial website costs of \$1,495, and states that the Committee contacted the Commission's Reports Analysis Division ("RAD") in August 2016 when it realized the error and asked for RAD's guidance to rectify it.<sup>2</sup> Compl. Resp. at 3, 4. The

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<sup>1</sup> Tom Garrett for Congress was established in 2016 as Garrett's principal campaign committee, and Garrett was elected to the House of Representatives from Virginia's Fifth District. Garrett was a member of the Virginia State Senate from 2012-2017.

<sup>2</sup> RAD's records confirm that the Committee contacted RAD concerning the state committee's payment of the Committee's website costs. Pursuant to RAD's Referral Policy, the low dollar amount would not have met a threshold for any further action (*i.e.*, neither an RFAI nor a referral to the Office of General Counsel or Office of Alternative Dispute Resolution).

1 Committee, following RAD's guidance, reimbursed the state committee for the website costs,  
2 and disclosed the reimbursement on its next FEC report. (See Tom Garrett for Congress 2016  
3 October Quarterly Report at 130). The state committee's Virginia state filings also report the  
4 transaction.<sup>3</sup>

5 **B. Legal Analysis**

6 The Act prohibits federal candidates or an entity directly or indirectly established,  
7 financed, maintained or controlled ("EFMC'd") by a candidate from receiving, directing,  
8 transferring, or spending funds that fall outside "the limitations, prohibitions, and reporting  
9 requirements" of the Act in connection with a federal election.<sup>4</sup> The Committee admits that  
10 nonfederal funds from Garrett's state committee were used to pay for expenses incurred in  
11 connection with his federal election. Thus, the Committee accepted an impermissible in-kind  
12 contribution from a state committee Garrett EFMC'd that maintained funds not subject to the  
13 limitations, prohibitions, and reporting requirements of the Act. However, the Committee  
14 contacted the Commission about a month before the complaint was filed and took swift remedial  
15 action, reimbursing Garrett's state committee from the federal account, and reporting the  
16 transaction on its next FEC report.

17 Accordingly, in furtherance of the Commission's priorities relative to other matters  
18 pending on the Enforcement docket and and the small amount at issue, the Commission exercises  
19 its prosecutorial discretion and dismisses the allegations pursuant to *Heckler v. Chaney*, 470 U.S.  
20 821, 831-32 (1985).

<sup>3</sup> See Garrett for Virginia Senate Campaign Finance Report, 07/01/2016 to 12/31/2016, available at <http://cfreports.sbe.virginia.gov/Report/ScheduleA/106986> (last visited March 29, 2017).

<sup>4</sup> See 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. § 300.61. Commission regulations also prohibit federal candidates from transferring nonfederal campaign funds to a federal campaign committee. 11 C.F.R. § 110.3(d).